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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,754	02/12/2001	David Leigh Donoho	UNIV0001C	1053

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GLENN PATENT GROUP  
3475 EDISON WAY, SUITE L  
MENLO PARK, CA 94025

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,754

Applicant(s)

DONOHU ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-16 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/24/2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (5,649,186) (hereinafter Ferguson) in view of Liu et al. (6,839,680) (hereinafter Liu).

5. As per claims 1 and 8, Ferguson discloses a communications system (col 1, lines 6-10), comprising:

an advice provider which broadcasts information over a communications medium (news/information feeds, col 3, lines 39-60) to a plurality of advice consumers (end users, col 3, lines 60-65),

an advice consumer of said plurality of advice consumers (end users, col 3, lines 60-65) for gathering said broadcast information from said communications medium (col 4 lines 61-63 and col 5, lines 15-45); and

a reader associated with said advice consumer for determining relevance of said broadcast information (col 4 lines 60-65 and col 5, 1-25) to said advice consumer;

wherein said advice consumer is advised of said information only if said information meets certain predetermined relevance criteria (fig 5, col 5, lines 1-14 and col 5, lines 15-45).

Ferguson discloses a centralized site to determine the relevance of the information and provides customized documents to each end user, where as the advice provider broadcast information to advice users. Ferguson

explicitly does not teach irrespective of actual relevance of said information to said plurality of advice consumers. However, Liu teaches irrespective of actual relevance of said information to said plurality of advice consumers (actions are recorded and monitoring, col 2, lines 45-67 and col 22, lines 25-35). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ferguson and Liu. The motivation would have been assembling information on a server only expresses the user's interest without respect to potential future or past interest.

6. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Liu discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 6, lines 39-50).

7. As per claim 3, Ferguson discloses wherein relevance of said information to said advice consumer is based upon any of the properties of an advice consumer's computer, said computer's contents or state, or the properties of a local environment associated with said computer (col 5, lines 1-46).

8. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Liu discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col 6, lines 39-50).

9. As per claim 5, Ferguson discloses wherein said information being broadcast may consist of any of humanly interpretable content, data, or software tools (col 3, lines 39-60).

10. As per claim 6, Ferguson discloses wherein said advice provider specifies an audience for whom said information is potentially relevant by referring to properties of an advice consumer which are used to determine the relevance of said information to said advice consumer (col 3, lines 39-67 and col 4, lines 60-67).

11. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Liu discloses message is broadcast to advice consumers to whom it is potentially relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance

information to said advice provider (col 6, lines 39-50 and col 2, lines 45-67 and col 22, lines 25-35).

12. As per claim 9, Ferguson discloses an advice reader associated with an advice consumer computer for performing relevance determination (col 5, lines 1-14 and col 5, line 46-67).

13. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Liu discloses wherein relevance determination is automatically performed based on a combination of conditions, including any of hardware attributes, configuration attributes, database attributes, environmental attributes, computed attributes, remote attributes, timeliness, personal attributes, randomization, and advice attributes (col 2, lines 45-67 and col 22, lines 25-35).

14. As per claim 11, Ferguson discloses wherein said advice reader operates automatically to determine relevance (col 3, lines 39-67 and col 4, lines 6-60).

15. As per claim 12, the claim is rejected for the same reasons as claim 1, above. In addition, Ferguson discloses a user interface that receives relevant advisories (fig 5); and

a display and management system that displays relevant advisories for inspection by said advice consumer (fig 5).

16. As per claim 13, Ferguson discloses wherein any information that is actually on an advice consumer computer or reachable from said advice consumer computer may be used to determine relevance (col 3, lines 39-67 and col 6, lines 60 -67, and col 7, lines 1-10).

17. As per claim 14, Ferguson discloses digital documents which contain an explanatory component describing in terms said advice consumer can easily understand the reason that said advisory is relevant and the purpose and effects of the action which is being recommended to said advice consumer (col 1, lines 50-67 and col 3, lines 39-67).

18. As per claims 15-16, claims 15-16 have similar limitations as claims 8-14. Therefore they are rejected under Ferguson for the same reasons set forth in the rejection of claims 8-14.



***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,460,036 teaches target advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAS

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